

April 11, 2000

By Hand & Email

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: *Request for Comments on AT&T's Motion to Adjust the Master Test Plan and to Clarify the Procedural Schedule (D.T.E. 99-271)*

Dear Secretary Cottrell:

Pursuant to the April 4, 2000 Memorandum of Hearing Officer Carpino, MCI WorldCom, Inc. hereby submits its comments regarding AT&T's Motion to Adjust the Master Test Plan and to Clarify the Procedural Schedule (the "Motion"). For the reasons discussed below, MCI WorldCom supports the Motion and urges the Department to compel KPMG to conduct its volume test for pre-order, order and provisioning on the Local Service Ordering Guidelines Release 4 ("LSOG-4"). MCI WorldCom further supports the inclusion of a period of commercial availability following the issuance of KPMG's final report. However, "commercial availability" needs to be defined in volume-driven terms (rather than simply adding a 90-day window on to the end of the testing period) to ensure that Bell Atlantic's systems are utilized in a truly competitive environment.

KPMG's Volume Performance Test Should Be Conducted on LSOG-4

Four-and-one-half months ago, in its November 19, 1999 Letter Order on Final Master Test Plan (the "Letter Order"), the Department considered "the relative costs and benefits of testing the LSOG-4 release." Letter Order at 2. At that time, there were a number of compelling arguments in favor of testing LSOG-4. Indeed, the Department itself recognized that "[a] CLEC considering initial entry into the Massachusetts market in the next six months will likely build its

electronic pre-order and order interfaces to conform to the enhanced functionality and wider relevance of the LSOG-4 release.” Letter Order at 2.

Since that time, the case for pre-order, order and provisioning testing on LSOG-4 has been made even stronger because Bell Atlantic launched LSOG-4 throughout its footprint more than a month ago, and LSOG-4 is now in the production environment and available to CLECs. Meanwhile, the sole counterbalancing argument on the “costs” side of the cost/benefits ledger, *i.e.*, the “[likelihood of] extending the completion of KPMG’s evaluation to the summer of 2000” (Letter Order at 2), has essentially been mooted by the passage of time. Because of the delays brought about by Bell Atlantic’s provisioning difficulties in New York, KPMG transaction testing in Massachusetts has still not yet started. Moreover, KPMG has already indicated that retesting for the purposes of closing certain exceptions will not take place until June, thereby extending the testing period into the summer in any event.

In short, circumstances have changed since the time the Department made its initial decision on the matter last November. And although decision-making bodies often give deference to their prior decisions, the stability that such deference fosters makes little sense if the reason underlying the initial decision no longer exists. The Department is not bound by its prior decision and has ample reason to change it. Because the stated rationale for the Department’s initial decision is no longer applicable, the Department should grant the Motion and compel volume transaction testing on LSOG-4.

**The Department Should Adjust the §271 Schedule to Include a
Period of Commercial Availability After KPMG Issues its Final Report**

MCI WorldCom was a strong proponent of the commercial availability period adopted by the Pennsylvania Public Utilities Commission and similarly supports a like provision in Massachusetts. However, by limiting the period to a 90-day window, the Department may not obtain the information it needs to properly evaluate Bell Atlantic’s Operations Support Systems in a truly competitive environment. For that reason, MCI WorldCom recommends that the period following KPMG’s final report be measured in terms of commercial *activity*, not simply commercial availability.

The current pricing structure in Massachusetts makes competitive entry into the local market prohibitively expensive. Even assuming the pricing structure were modified by the Department before KPMG issued its final report, CLECs preparing to enter the market would still require some lead time to get their systems, personnel, products and price points in place to compete. There is thus the possibility, if not the likelihood, that the local telephone market will not be flush with commercial activity in the first 90 days following KPMG’s report. To guard against having a review period with

Page 3 of 3
Mary L. Cottrell
April 11, 2000

artificially low volumes of activity, it is imperative that the Department recognize this reality and link the start of the post-report period with the presence of significant commercial activity in the local marketplace.

For all the foregoing reasons, MCI WorldCom supports the Motion and respectfully requests that the Department compel KPMG to conduct its volume test for pre-order, order and provisioning on LSOG-4, and allow for a volume-driven “commercial activity” period, for use and testing of Bell Atlantic’s OSS, following the issuance of KPMG’s final report.

Very truly yours,

Christopher J. McDonald

cc (*by email and U.S. Mail*): Attached Service List